

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES LASTRA,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.
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16-cv-3088 (JGK) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

For the reasons stated during the conference held on June 30, 2020:

1. By July 7, 2020, Defendants shall file a copy of the letter submitted to Plaintiff describing the sections of the patrol guide produced in response to his discovery requests to allow the Court to determine whether all sections of the patrol guide relevant to Plaintiff's have been produced. By July 21, 2020, Defendants must provide Plaintiff with any sections of the patrol guide that are both relevant to Plaintiff's claims and were in effect when Plaintiff was arrested in 2014 not previously provided.

2. Plaintiff's request to take photographs of Precinct 8 is denied.

3. By July 21, 2020, Plaintiff shall produce any text messages, video recordings, or audio recordings relevant to his claims and not previously produced. Plaintiff is precluded from using any text messages, video recordings, or audio recordings not produced by that date as evidence in support of his claims.

4. By July 21, 2020, Plaintiff shall produce any factual evidence related to his alleged damages or loss of income. Plaintiff is precluded from using any factual evidence

related to his alleged damages or loss of income not produced by that date as evidence in support of his claims.

5. By July 21, 2020, Plaintiff shall provide a fully executed HIPAA release for his neurologist, Dr. Fleming.

6. By July 21, 2020, Plaintiff shall provide a fully executed release for records from the arrest at issue in this case and for a list of his prior arrests, if any.

7. By August 31, 2020, all fact depositions must be completed. In light of the COVID-19 pandemic, the Court recognizes that some or all outstanding depositions may need to take place by video or telephonic means, and orders the parties to cooperate in ensuring that these depositions take place in a timely and efficient manner. The Court further reminds Plaintiff to comply with the parameters set in its prior order of October 7, 2019 (Dkt. 173), a copy of which is enclosed with this order.

8. All discovery in this matter shall be completed by August 31, 2020.

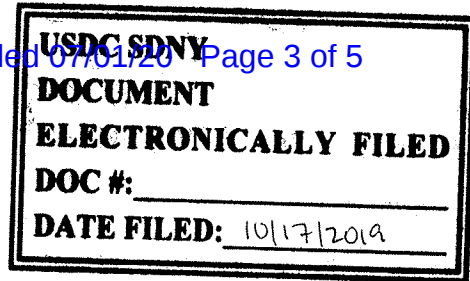
Defense counsel shall send a copy of this order, along with any orders referenced herein, to Plaintiff by mail and by email within three (3) days and file proof such service on ECF. If counsel is unable to complete this mailing as a result of COVID-19 and related disruptions, counsel shall promptly notify the Court by letter filed on ECF.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: July 1, 2020
New York, New York



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES LASTRA,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.
-----X

16-cv-3088 (JGK) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

For the reasons stated on the record during the show cause hearing held on October 16, 2019:

1. Defendants' motion to dismiss the complaint pursuant to Rules 37 and 41(b) is DENIED without prejudice to renew. However, the Court reminds Plaintiff of his obligation to move his case forward and to comply with court-ordered deadlines, and cautions Plaintiff that failure to comply with deadlines or other court orders in the future may prompt this Court to recommend that Plaintiff's case be dismissed.

2. By October 30, 2019, Defendants shall inform Plaintiff of the identity of the officers who were involved in transporting Plaintiff to the Bronx Housing Authority Police Station on September 6, 2014. Defendants shall also produce any documentation connecting those officers to the alleged incident that it locates following a reasonable search. To the extent those documents contain information irrelevant to the instant action, Defendants may redact such information. Following production of that information and documents, the parties shall cooperate in good faith to allow Plaintiff to review a "photo array" of the identified officers at Defendants' offices.

3. By November 16, 2019, Defendants and Plaintiff shall each produce a privilege log listing any responsive documents withheld or redacted for privileged purposes and the bases for withholding or redacting those documents.

4. At least five days prior to conducting any deposition in this matter, Plaintiff shall provide Defendants with the following information:

- a. Location of the deposition;
- b. Identity of the court officer to administer the oath to the deponent;
- c. Identity of the person (or the entity) hired to transcribe the deposition or any recording of the deposition.

Within five days following any deposition taken by Plaintiff and that is audio recorded, Plaintiff shall provide Defendants with a copy of the audio recording. Within five days of receipt of the transcript of any deposition taken by Defendants, Defendants shall provide Plaintiff with a copy of the transcript.

5. Deadline for the completion of fact discovery in this action is extended to January 16, 2020. No further extensions will be granted absent compelling circumstances.

6. By December 16, 2019, Plaintiff must pay the sanctions of \$250.00, which were initially ordered by this Court on March 26, 2019. (See Dkt. 155.) Failure to pay this sum timely may prompt this Court to recommend that Plaintiff's case be dismissed.

7. As with all other court orders, failure to comply may result in dismissal of the case with prejudice or other sanctions.

The Clerk is respectfully directed to terminate the motion at Dkt. 166.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 17, 2019
New York, New York

Copies transmitted to all counsel of record and mailed to:

James Lastra
2241 Lafayette Avenue
Bronx, New York 10473